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SIPDIS

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SUBJECT: HAITI DRUG CHAPTER FOR 2008-2009 INCSR

REF: STATE 100970

¶1. Per instructions reftel, Port au Prince submits the following text for the Haiti drug chapter of the 2008-2009 International Narcotics Control Strategy Report (INCSR). Data table required of major list countries, with a copy of this text, will be submitted by e-mail as well.

¶2. Begin Text:

Haiti

¶I. Summary

Haiti is a major transit country for cocaine and marijuana from South America and the Caribbean respectively. In 2008, air smuggling of narcotics to Haiti from Venezuela again increased, following the trend in 2007. The Preval Administration continued the struggle to overcome pervasive corruption, weak governance and mismanagement, an effort complicated by food riots in April, the subsequent lack of a functioning government for five months following the dismissal of the Prime Minister (and his cabinet) by the Legislature and the devastating effects of four hurricanes that hit Haiti in quick succession in August-September 2008. Haiti's law enforcement institutions remain weak and its judicial system dysfunctional. In 2007, with the support of the United Nations Stabilization Mission in Haiti (MINUSTAH), the Haitian National Police (HNP) conducted a successful campaign in the Port-au-Prince area to disrupt gang elements involved in kidnapping, drug trafficking, and intimidation. Although the campaign decreased criminal activity in those areas, the Government of Haiti (GOH) has yet to deliver the sustained police presence needed to eliminate the gangs, criminal activity and a resurgence of kidnapping and robberies has occurred. The GOH, with assistance from international donors) principally MINUSTAH, the United States and Canada) continues to promote the restoration of the rule of law. The HNP, with the support of MINUSTAH, completed the second year of its reform plan, which includes a vetting and certification process for all officers, and reform of institutional elements including the General Administration Department and Logistics Bureau. The HNP's counternarcotics unit carried out operations during the year that resulted in limited seizures of drugs. Haiti is a party to the 1988 UN Drug Convention.

II. Status of Country

Haiti is a major drug transit country. Haiti's 1,125 miles of unprotected shoreline, uncontrolled seaports, numerous clandestine airstrips, along with a struggling police force, dysfunctional judiciary system, corruption, and weak democracy make it an attractive strategic point for drug traffickers. Cocaine and, to a lesser extent, marijuana are trafficked through Haiti to the United States and, in smaller quantities, to Canada and Europe. In addition to being shipped directly to the United States, drugs brought into Haiti also are moved overland into the Dominican Republic for onward delivery to the U.S. and Europe. From January-October 2008, Haiti experienced a 15 percent increase in drug

smuggling flights, 23 compared to 20 in all of 2007, as reported by the U.S. Joint Interagency Task Force South (JIATF-S). However, anecdotal evidence on the ground indicates that the number of clandestine flights may be up to three times that number.

III. Country Actions Against Drugs in 2008

During 2008, the HNP provided in-service training to over 500 veteran officers, with the assistance of MINUSTAH civilian police advisors. However, no new recruits graduated from the HNP Academy in 2008, a major setback in achieving the minimum number of 14,000 police by 2011 as agreed with MINUSTAH as part of the HNP reform plan adopted in 2006. The 20th class of 708 police cadets entered the Academy in July 2008 and is expected to graduate in February 2009. The 21st class of approximately 700 cadets is expected to enter in January 2009 thanks to a major expansion of the police academy undertaken by Canada and the United States that will allow two classes to be run simultaneously for the first time. The Academy training consists of 24 weeks of basic police tactics, less-than-lethal tactics, community policing, weapons training, search and evidence gathering techniques, ethics, human rights, and gender and children's issues. The report on the second year of the reform plan's implementation released in October revealed progress on training of both new and experienced officers, development of standard operating procedures, continued emphasis on vetting, and improved capacity in criminal investigative techniques among specialized units. Morale is high among HNP officers, as recent polls indicate that 58% of the population sees improvement in the HNP and 66% list the HNP as the most trusted Haitian government institution, major changes from surveys in past years. MINUSTAH military troops, United Nations Police (UNPOL), MINUSTAH Formed Police Units, and HNP officers have made progress in dismantling gangs that support kidnapping in recent months, lowering the number of kidnappings that have taken place, and have been more aggressive in pursuing drug traffickers at the point of drug arrival in Haiti.

In 2008 the USG-funded project to enhance the effectiveness of GOH anti-money laundering and anti-corruption efforts became fully operational and has scored some major successes in terms of investigations and reorganization of the judicial chain actors involved in such cases. The project provides mentoring on the investigation and prosecution of financial crimes by U.S. Treasury advisers and has helped restructure the GOH Central Financial Intelligence Unit (French acronym UCREF) by separating its investigative and intelligence gathering functions. The HNP Financial Crimes Unit (French acronym BAFE) has been revitalized, moved into new offices shared with prosecutors and judges, and has referred several cases for prosecution for the first time in many years.

Law Enforcement Efforts. The Government of Haiti made modest advances in the fight against drug trafficking this year. President Prval continued to urge strong action against drug trafficking and did not back away from his support for bilateral operations to arrest DEA-wanted fugitives for removal to the United States, despite a failed attempt to arrest Guy Philippe that garnered significant publicity. President Prval continues to press for increased support to the HNP and calls for more joint operations to reduce the flow of drugs through Haiti.

The HNP counternarcotics unit (French acronym BLTS), with support from the USG, worked to improve their response to air smuggling of cocaine. This response included establishing roadblocks to contain traffickers near the scenes of reported clandestine landings and conducting follow-up investigations upon learning of successful cocaine offloads. For example, in July 2008, the HNP arrested three defendants and seized two kilograms of cocaine shortly after a reported clandestine landing of a suspected smuggler. They continue to seek additional defendants in that investigation. More significantly, the HNP established a roadblock near St Marc in August 2008 after learning of a clandestine landing in the Central Plateau. This yielded the seizure of \$689,000 US

dollars and the arrest of ten defendants, including two Colombian nationals and two active duty HNP officers. This seizure is linked to a major international trafficking organization under investigation in Colombia, the Dominican Republic, and the United States, as well as Haiti. In May 2008, the HNP followed up on a reported robbery of \$340,000 US dollars in Cap Haitien, which led to the search of a house in Port de Paix, resulting in four arrests and the seizure of 30 kilograms of cocaine. Information obtained during this operation was passed by the HNP, via their DEA counterparts, to the Bahamas, where in August 2008 a search warrant yielded \$1.7 million in US currency.

The BLTS also began to show improvement in its airport program, with cocaine seizures in May, July, and October, all from couriers attempting to smuggle cocaine aboard commercial airlines flights. In September 2008, the HNP responded to a tip and seized 40 kilograms of compressed marijuana from an airfreight shipment destined for Martinique.

The HNP Financial Crimes Unit, BAFE, has made great strides this year. In September 2008, the BAFE obtained forfeiture orders and seized two houses, one of which belonged to Jean Nesly LUCIEN, a former Director General of the HNP who was convicted in the U.S. on money laundering charges, and the other belonging to Jean-Mary CELESTIN, who was also convicted in the U.S. on trafficking charges. The BAFE is aggressively implementing a plan to use convictions in U.S. courts as the legal basis for asset forfeiture in Haiti. This overcomes the significant hurdle Haiti's asset forfeiture law imposes when it requires conviction of the trafficker prior to forfeiture of his assets. The BAFE is currently working with DEA to document convictions and to identify assets linked to traffickers removed from Haiti and convicted in the United States. This unit seized eight properties in October and anticipates seizing as many as 40 trafficker-owned houses as well as other assets valued at over 20 million USD by the end of 2008.

From January - October 2008, 763.1 kilos of cocaine and marijuana were seized by the HNP. The Special Investigative Unit (SIU), a partnership between DEA and the GOH, which became operational in 2007, continues to operate. Selected HNP officers, graduates of a five-week course at the Drug Enforcement Academy in Quantico, Virginia, form the nucleus of the SIU and are charged with investigating Haitian drug organizations that have a nexus to the United States. The unit has conducted several joint interdiction operations with DEA/FBI/JIATF-S. The SIU is a fully vetted unit within the HNP, as is the BAFE.

The Haitian Coast Guard (HCG) conducted drug and migrant interdiction operations from its bases in Port-au-Prince and Cap Haitien during the year. In FY08, the HCG assisted in repatriation of over 1000 Haitian migrants interdicted after their departure from the north coast. U.S. sponsored training programs also helped Haiti achieve compliance with International Ships and Port Security (ISPS) standards in three international ports, although several other ports have not yet met those standards. Such certification bodes well for increased port screening and control of contraband. Such US-funded programs were important for ensuring Haiti's territorial security. Three national border security-related leaders participated in regional training programs. The HCG supported MINUSTAH's maritime security patrols in the Port au Prince area on nearly a daily basis, helping provide an increased maritime security presence in the capital area, including for such hot spot communities as Cite Soleil. The HCG independently interdicted a migrant vessel bound for the US offshore of the northern city of Cap Haitien demonstrating the cumulative effect of training and operational support. However, the lack of funding and fuel shortages remain significant barriers to the ability of the HCG to conduct maritime operations.

Corruption. As a matter of policy, the GOH does not encourage or facilitate the shipment of narcotics through Haiti, and does not discourage the investigation or prosecution of such

acts. Moreover, the GOH has demonstrated willingness to undertake law enforcement and legal measures to prevent, investigate, prosecute, and punish public corruption. President Preval has publicly identified the fights against corruption and drug trafficking as major priorities for his administration. Vetting has taken place in some of the northern and southern areas and among certain ranks in Port-au-Prince and will be further expanded in the capital area, where the majority of police officers are assigned. In 2007, the HNP Director General dismissed 700 officers for misconduct or being absent without leave, although many remain on the payroll. The HNP Director of Administration and Director of Logistics were both removed from their positions in 2007 for suspected corruption and their replacements have taken positive steps in increasing accountability and transparency through the use of databases, more controlled authorization of expenditures and standard operating procedures for use of vehicles. BAFE investigations continue to target government officials suspected of corruption and money laundering activities and to cooperate with U.S. officials on investigations into allegations of corruption under the previous administration.

Agreements and Treaties. Haiti is a party to the 1961 Single Convention as amended by the 1972 Protocol; the 1988 UN Drug Convention; the Inter-American Convention Against Corruption; and the Inter American Convention against Trafficking in illegal firearms. A U.S.-Haiti maritime counternarcotics agreement entered into force in 2002. Haiti has signed but not ratified the UN Convention against Corruption, the Caribbean Regional Maritime Agreement and the UN Convention against Transnational Organized Crime. Work, assisted by US legal experts, is on-going on a bilateral mutual legal assistance treaty between the U.S. and Haiti. Requests for assistance historically have been made through letters rogatory and the first such request in years was made in 2008, to which the GOH is responding.

Extradition. Haiti and the U.S. are parties to an extradition treaty that entered into force in 1905. Although the Haitian Constitution prohibits the extradition of its nationals, in the past Haitians under indictment in the U.S. have been returned to the U.S. by non-extradition means. The SIU has spearheaded efforts to transfer both Haitian and non-Haitian nationals wanted in the United States for drug trafficking to the U.S., in keeping with President Preval's desire to stem drug trafficking through Haiti. During 2008, the GOH arrested six defendants wanted in the United States on federal drug trafficking charges and transferred custody to the DEA for removal to the United States. All of these defendants were transported to the United States and several have already been convicted at trial or have entered guilty pleas.

Cultivation/Production. There is evidence that cultivation of marijuana in Haiti continues to increase. In July 2008, the HNP located two marijuana plots under cultivation in the vicinity of St Marc. The BLTS seized and destroyed an estimated 30,000 plants. The HNP are working to develop further intelligence relative to large-scale marijuana cultivation in the Artibonite valley, although this threat may have temporarily abated with the agricultural damage wrought by four successive hurricanes in the Artibonite area in fall 2008.

Drug flow/transit. In 2008, traffickers continued to use small aircraft to make offshore air drops of illegal drugs as well as land deliveries using clandestine airstrips. At least 29 such landing strips have been identified. Suspect drug flights from Venezuela increased at least 15 percent over the 38 percent increase officially recorded in 2007. However, the actual rate of increase may be much higher, with up to two-thirds of such flights going undetected. Several new trends emerged, including more daylight air drops, flights following the Haitian-Dominican Republic border further north into Haiti before making drops, and some planes being abandoned and burnt once the drugs are offloaded rather than attempt to refuel and depart from Haiti. In addition, part

of the increase in Haiti-bound flights seems to have resulted in a corresponding drop in flights tracked to the Dominican Republic, a worrisome trend that is expected to continue and demonstrates the need for coordinated action against drug traffickers throughout Hispaniola to have maximum impact and preserve successes made in controlling trafficking in both countries. Fast boats transporting cocaine from South America arrive at a number of locations on the southern coast of Haiti. The cocaine is then transported overland to Port-au-Prince where it is frequently concealed on cargo and coastal freighters destined for the United States and Europe.

Marijuana is shipped via fast boats from Jamaica to waiting Haitian fishing vessels and cargo freighters to seaports along Haiti's southern coast. It is then shipped directly to the continental United States or transshipped through the Dominican Republic or Puerto Rico. Seizures of very small quantities of crack for personal use also occurred in 2008. Pharmacies in Haiti are essentially unregulated, and some controlled medications are sold in quantities through those businesses.

In 2008 the BLTS counternarcotics unit expressed increased concern about marijuana trafficking. The concern stems from the fact that much of the low grade marijuana trafficked in Haiti is intended for the domestic market, and also from the violence that has been associated with the Jamaican marijuana trade on Haiti's southern coast. During this time period, Jamaican authorities expressed concern about the exchange of Jamaican marijuana for Haitian firearms (& guns for ganja) and urged the GOH to take greater action in this area. Law enforcement officials from Jamaica visited Haiti to discuss this and other issues and to lay the groundwork for increased intelligence and law enforcement cooperation between the two nations.

Demand Reduction. Drug abuse is a growing but largely unrecognized problem in Haiti. Increased use of marijuana in schools has been reported, leading to increased levels of local production as reported above as well as increased smuggling of marijuana into Haiti for local use. There are almost no formal demand reduction programs in place at this time.

IV. U.S. Policy Initiatives and Programs

Policy Initiatives. The cornerstone of USG efforts to combat drug trafficking in Haiti continues to focus on reform of the HNP. In cooperation with MINUSTAH, the USG provided substantial equipment and technical assistance in 2008, aimed at transforming the HNP into an effective law enforcement institution. The Narcotics Affairs Section (NAS) of the U.S. Embassy coordinated the procurement of vehicles, radios, forensic lab and other technical equipment for the HNP, police academy and in-service training, support for specialized HNP units and material support to the HCG. The USG contributed 50 officers to MINUSTAH's UNPOL contingent, many of whom are involved in training recruits at the HNP academy. A USG-funded communication project continues installation of solar-powered radio base stations for the HNP throughout the country and assisted in repairs to such installations following the four hurricanes that impacted Haiti in 2008. The USG also is contributing three corrections experts to form the nucleus of a sixteen-member UN team that works on improving the infrastructure and management of Haiti's prison system. In addition, the USG provides two advisers to help the HNP Director General implement anti-corruption and strategic planning measures. As part of a multi-year anti-money laundering and anti-corruption project, advisers from the U.S. Treasury's Office of Technical Assistance (OTA) visited Haiti monthly in 2008, to review cases of financial crimes with prosecutors and judges, mentor the HNP officers assigned to financial investigations as well as staff of the Financial Intelligence Unit and provide training for financial investigators, judges and prosecutors involved in money laundering and corruption cases. USCG Mobile Training Teams supported HCG operations with maritime law enforcement, port security, engineering, logistics and maintenance training in 2008, tripling the number of HCG trained and increasing Haitian capacity to

carry out border protection activities. The USCG, funded by INL, retrofitted four vessels (a 47-foot patrol boat and three &Eduardono8 fast boats) and brought the boats to Haiti in April 2008. NAS also purchased two rigid hull inflatable boats for the HCG. The addition of these assets will allow the HCG to respond better to future drug and migrant operations, particularly on the northern coast of Haiti.

Road Ahead. Haiti needs to continue the reform and expansion of the HNP and step up the reform of its judicial system as prerequisites for effective counternarcotics operations throughout the country. The GOH must continue the steps taken this year in demonstrating the political will to fight corruption within state institutions and to overcome the under-resourcing and under-staffing of the HNP, problems which remain major impediments to sustained progress. More importantly, the restoration of the rule of law, including reform of the judicial system, must receive greater support and be prioritized in order to prevent erosion of the gains of the HNP and to provide the security and stability Haiti needs to meet the economic, social and political development needs of the Haitian people.

SANDERSON